

# STORCH AMINI PC

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March 7, 2019

**VIA ECF AND FIRST CLASS MAIL**

The Honorable Sandra J. Feuerstein  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: Shetel Industries LLC v. Adin Dental Implant Systems, Inc., et al.  
Case No. 17-CV-02505 (SJR)(ARL)**

Dear Judge Feuerstein:

We represent Plaintiff/Counterclaim Defendant Shetel Industries LLC and Third-Party Defendants Markus Weitz and Osseogroup LLC (collectively, “Shetel”) in the above-referenced action (the “Action”). We write Your Honor to request a telephonic conference with respect to the parties’ ongoing discovery in the Action, which discovery is to be completed by April 1, 2019. *See* Docket Entry, dated November 19, 2018, granting Doc. No. 35. We had originally sought such a telephonic conference with Judge Lindsay (Docket No. 38), but were today directed by her chambers to refer this request directly to Your Honor’s attention.

Beginning in January 2019, Shetel deposed Defendant Jeremy Danzer, as well as three of Defendant Adin Dental Implant Systems, Inc.’s (“Adin”) principals. The deposition of Defendant Adin Dental Solutions USA’s (“Adin USA”) manager, Mr. Chen Porat, was scheduled to have taken place on February 19, 2019, but was adjourned due to Adin USA’s counsel’s illness. According to counsel, Mr. Porat was then unavailable to be deposed prior to March 6; we are now scheduled to depose him on March 13.

This delay—while no fault of any party—complicates Shetel’s preparation of its expert report, which it had intended to serve well before March 6, but which cannot be completed absent Mr. Porat’s testimony with respect to Adin USA’s documents (or, in some instances, lack thereof). In fact, the other Adin principals have testified that Mr. Porat and Mr. Porat alone would be able to address Adin USA’s customer lists, maintenance of such lists and other files, as well as other documents pertinent to the various claims and counterclaims alleged in the Action.

Furthermore, on February 12, 2019, Your Honor converted Shetel’s Motion to Dismiss (Doc. No. 22) into one for summary judgment, and granted Shetel leave to file fully-briefed summary judgment papers on April 12, 2019. As we understand Your Honor’s order, Defendants are now

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to serve on Shetel the supplemental materials they had sought leave to file (Doc. No. 36) by March 12, 2019. Until we see Defendants' supplemental production, it is unclear if such production will impact the content of our expert's report.

Therefore, we respectfully seek the Court's guidance as to how such schedule impacts the time for service of expert reports, and/or the Pretrial Conference scheduled to be held before Your Honor on May 21, 2019. We do not seek to extend the discovery deadlines set by the Court, while at the same time we cannot submit an informed expert report without having gathered all the relevant documents and testimony—which to date we have been unable to do. We therefore respectfully suggest that the parties' deadline to submit expert reports—and only such reports—be extended to April 29, such that any depositions of the parties' experts can then be completed before the May 21 Pretrial Conference.

We thank the Court for its continued consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Noam M. Besdin', with a long horizontal flourish extending to the right.

Noam M. Besdin

cc: Bijan Amini, Esq. (via ECF)  
Gregory K. Mueller, Esq. (via ECF)  
Matthew J. Ross, Esq. (via ECF)